

to a chemical manufacturing process unit subject to this subpart according to the procedures specified in § 63.100(h) of this subpart and are used to fill tank trucks and/or railcars with organic liquids that contain one or more of the organic hazardous air pollutants listed in table 2 of this subpart. Transfer rack includes the associated pumps, meters, shutoff valves, relief valves, and other piping and valves. Transfer rack does not include:

- (1) Racks, arms, or hoses that only transfer liquids containing organic hazardous air pollutants as impurities;
- (2) Racks, arms, or hoses that vapor balance during all loading operations; or
- (3) Racks transferring organic liquids that contain organic hazardous air pollutants only as impurities.

*Unit operation* means one or more pieces of process equipment used to make a single change to the physical or chemical characteristics of one or more process streams. Unit operations include, but are not limited to, reactors, distillation units, extraction columns, absorbers, decanters, dryers, condensers, and filtration equipment.

*Vapor balancing system* means a piping system that is designed to collect organic hazardous air pollutants vapors displaced from tank trucks or railcars during loading; and to route the collected organic hazardous air pollutants vapors to the storage vessel from which the liquid being loaded originated, or to another storage vessel connected by a common header or to compress and route to a process or a fuel gas system the collected organic hazardous air pollutants vapors.

*Waste management unit* means the equipment, structure(s), and/or device(s) used to convey, store, treat, or dispose of wastewater streams or residuals. Examples of waste management units include: Wastewater tanks, surface impoundments, individual drain systems, and biological wastewater treatment units. Examples of equipment that may be waste management units include containers, air flotation units, oil-water separators or organic-water separators, or organic removal devices such as decanters, strippers, or thin-film evaporation units. If such equipment is used for recovery

then it is part of a chemical manufacturing process unit and is not a waste management unit.

*Wastewater* means water that:

- (1) Contains either:
  - (i) An annual average concentration of Table 9 compounds (as defined in § 63.111 of subpart G of this part) of at least 5 parts per million by weight and has an annual average flow rate of 0.02 liter per minute or greater, or
  - (ii) An annual average concentration of Table 9 compounds (as defined in § 63.111 of subpart G) of at least 10,000 parts per million by weight at any flow rate, and that
- (2) Is discarded from a chemical manufacturing process unit that meets all of the criteria specified in § 63.100 (b)(1) through (b)(3) of this subpart. Wastewater is process wastewater or maintenance wastewater.

[59 FR 19454, Apr. 22, 1994, as amended at 60 FR 18024, Apr. 10, 1995; 60 FR 63626, Dec. 12, 1995; 62 FR 2731, Jan. 17, 1997; 65 FR 26497, May 8, 2000; 66 FR 6928, Jan. 22, 2001]

#### § 63.102 General standards.

(a) Owners and operators of sources subject to this subpart shall comply with the requirements of subparts G and H of this part.

(1) The provisions set forth in this subpart F and subpart G of this part shall apply at all times except during periods of start-up or shutdown (as defined in § 63.101 of this subpart), malfunction, or non-operation of the chemical manufacturing process unit (or specific portion thereof) resulting in cessation of the emissions to which this subpart F and subpart G of this part apply. However, if a start-up, shutdown, malfunction or period of non-operation of one portion of a chemical manufacturing process unit does not affect the ability of a particular emission point to comply with the specific provisions to which it is subject, then that emission point shall still be required to comply with the applicable provisions of this subpart F and subpart G of this part during the start-up, shutdown, malfunction or period of non-operation. For example, if there is an overpressure in the reactor area, a storage vessel in the chemical manufacturing process unit would still be required to be controlled in accordance

with § 63.119 of subpart G of the part. Similarly, the degassing of a storage vessel would not affect the ability of a process vent to meet the requirements of § 63.113 of subpart G of this part.

(2) The provisions set forth in subpart H of this part shall apply at all times except during periods of start-up or shutdown, as defined in § 63.101(b) of this subpart, malfunction, process unit shutdown (as defined in § 63.161 of subpart H of this part), or non-operation of the chemical manufacturing process unit (or specific portion thereof) in which the lines are drained and depressurized resulting in cessation of the emissions to which subpart H of this part applies.

(3) The owner or operator shall not shut down items of equipment that are required or utilized for compliance with the provisions of this subpart F, subpart G or H of this part during times when emissions (or, where applicable, wastewater streams or residuals) are being routed to such items of equipment, if the shutdown would contravene requirements of this subpart F, subpart G or H of this part applicable to such items of equipment. This paragraph does not apply if the item of equipment is malfunctioning, or if the owner or operator must shut down the equipment to avoid damage due to a contemporaneous start-up, shutdown, or malfunction of the chemical manufacturing process unit or portion thereof.

(4) During start-ups, shutdowns, and malfunctions when the requirements of this subpart F, subparts G and/or H of this part do not apply pursuant to paragraphs (a)(1) through (a)(3) of this section, the owner or operator shall implement, to the extent reasonably available, measures to prevent or minimize excess emissions to the extent practical. The general duty to minimize emissions during a period of start-up, shutdown, or malfunction does not require the owner or operator to achieve emission levels that would be required by the applicable standard at other times if this is not consistent with safety and good air pollution control practices, nor does it require the owner or operator to make any further efforts to reduce emissions if levels required by the applicable standard have

been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures (including the startup, shutdown, and malfunction plan required in § 63.6(e)(3)), review of operation and maintenance records, and inspection of the source. The measures to be taken may include, but are not limited to, air pollution control technologies, recovery technologies, work practices, pollution prevention, monitoring, and/or changes in the manner of operation of the source. Back-up control devices are not required, but may be used if available.

(b) If, in the judgment of the Administrator, an alternative means of emission limitation will achieve a reduction in organic HAP emissions at least equivalent to the reduction in organic HAP emissions from that source achieved under any design, equipment, work practice, or operational standards in subpart G or H of this part, the Administrator will publish in the FEDERAL REGISTER a notice permitting the use of the alternative means for purposes of compliance with that requirement.

(1) The notice may condition the permission on requirements related to the operation and maintenance of the alternative means.

(2) Any notice under paragraph (b) of this section shall be published only after public notice and an opportunity for a hearing.

(3) Any person seeking permission to use an alternative means of compliance under this section shall collect, verify, and submit to the Administrator information showing that the alternative means achieves equivalent emission reductions.

(c) Each owner or operator of a source subject to this subpart shall obtain a permit under 40 CFR part 70 or part 71 from the appropriate permitting authority by the date determined by 40 CFR part 70 or part 71, as appropriate.

(1) If the EPA has approved a State operating permit program under 40

CFR Part 70, the permit shall be obtained from the State authority. If the State operating permit program has not been approved, the source shall apply to the EPA Regional Office.

(2) [Reserved]

(d) The requirements in subparts F, G, and H of this part are Federally enforceable under section 112 of the Act on and after the dates specified in § 63.100(k) of this subpart.

[59 FR 19454, Apr. 22, 1994, as amended at 60 FR 63626, Dec. 12, 1995; 61 FR 64575, Dec. 5, 1996; 62 FR 2732, Jan. 17, 1997; 71 FR 20455, Apr. 20, 2006]

**§ 63.103 General compliance, reporting, and recordkeeping provisions.**

(a) Table 3 of this subpart specifies the provisions of subpart A that apply and those that do not apply to owners and operators of sources subject to subparts F, G, and H of this part.

(b) Initial performance tests and initial compliance determinations shall be required only as specified in subparts G and H of this part.

(1) Performance tests and compliance determinations shall be conducted according to the schedule and procedures in § 63.7(a) of subpart A of this part and the applicable sections of subparts G and H of this part.

(2) The owner or operator shall notify the Administrator of the intention to conduct a performance test at least 30 calendar days before the performance test is scheduled to allow the Administrator the opportunity to have an observer present during the test.

(3) Performance tests shall be conducted according to the provisions of § 63.7(e) of subpart A of this part, except that performance tests shall be conducted at maximum representative operating conditions for the process. During the performance test, an owner or operator may operate the control or recovery device at maximum or minimum representative operating conditions for monitored control or recovery device parameters, whichever results in lower emission reduction.

(4) Data shall be reduced in accordance with the EPA-approved methods specified in the applicable subpart or, if other test methods are used, the data and methods shall be validated accord-

ing to the protocol in Method 301 of appendix A of this part.

(5) Performance tests may be waived with approval of the Administrator as specified in § 63.7(h)(2) of subpart A of this part. Owners or operators of sources subject to subparts F, G, and H of this part who apply for a waiver of a performance test shall submit the application by the dates specified in paragraph (b)(5)(i) of this section rather than the dates specified in § 63.7(h)(3) of subpart A of this part.

(i) If a request is made for an extension of compliance under § 63.151(a)(6) of subpart G or § 63.6(i) of subpart A of this part, the application for a waiver of an initial performance test shall accompany the information required for the request for an extension of compliance. If no extension of compliance is requested, the application for a waiver of an initial performance test shall be submitted no later than 90 calendar days before the Notification of Compliance Status required in § 63.152(b) of subpart G of this part is due to be submitted.

(ii) Any application for a waiver of a performance test shall include information justifying the owner or operator's request for a waiver, such as the technical or economic infeasibility, or the impracticality, of the source performing the required test.

(6) The owner or operator of a flexible operation unit shall conduct all required compliance demonstrations during production of the primary product. The owner or operator is not required to conduct compliance demonstrations for operating conditions during production of a product other than the primary product. Except as otherwise provided in this subpart or in subpart G or subpart H of this part, as applicable, the owner or operator shall operate each control device, recovery device, and/or recapture device that is required or used for compliance, and associated monitoring systems, without regard for whether the product that is being produced is the primary product or a different product. Except as otherwise provided in this subpart, subpart G and/or subpart H of this part, as applicable, operation of a control device, recapture device and/or recovery device required or used for compliance such that the